

**Notice of Allowability**

Application No.

09/697,316

Examiner

Romain Jeanty

Applicant(s)

STALLMANN, MARK

Art Unit

3623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/2005.
2. ☒ The allowed claim(s) is/are 1-3, 6, 7, 9, 10, 13-17, 20, 23-33, 35, 36, 39-46 and 49-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

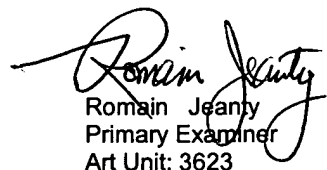
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Romain Jeanty  
Primary Examiner  
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**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

**Claims 39, and 40**

Line 1, delete 38, insert -- 31--.

**Claims 41, and 42**

Line 1, delete 37, insert -- 31--.

Authorization for this examiner's amendment was given in a telephone interview with Irah Donner (Reg. No. 35,120) on March 6, 2006.

**Allowable Subject Matter**

2. Claims 1-3, 6-7, 9-10, 13-17, 20, 23-33, 35-36, 39-46, and 49-53 are allowed.

**Reasons for Allowance**

3. The following is an Examiner's statement of reasons for allowance:

The closest prior art is to Dutta et al (U.S. Patent No. 5,953,319). Dutta et al disclose a multi-mode mobile communication network which provides users with a variety of transmission costs, data transmission rates and/or message delivery times. However, Dutta et al fails to teach or suggest using at least one intelligent routing device that selects at least one cost data transmission path (as described on page 47 of applicant's specification) over at least one of said

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at least one terrestrial, Internet, satellite, and landline taken in combination with a system for aggregating and analyzing data from a plurality of data generating machines as recited in independent claims 1 and 44.

The closest prior art is to Dutta et al (U.S. Patent No. 5,953,319). Dutta et al disclose a multi-mode mobile communication network which provides users with a variety of transmission costs, data transmission rates and/or message delivery times. However, Dutta et al fail to teach or suggest using at least one intelligent routing device that selects at least one cost data transmission path (as described on page 47 of applicant's specification) over at least one of said at least one terrestrial, Internet, satellite, and landline network taken in combination with a method of collecting and aggregating data from a plurality of data generating machines as recited in independent claim 15.

The closest prior art is to Dutta et al (U.S. Patent No. 5,953,319). Dutta et al disclose a multi-mode mobile communication network which provides users with a variety of transmission costs, data transmission rates and/or message delivery times. However, Dutta et al fail to teach or suggest directing at least one of the plurality of data generating machines to select a least one cost data transmission path (as described on page 47 of applicant's specification) over at least one of said at least one of the at least one terrestrial, Internet, satellite, and landline network taken in combination with a computer readable medium storing instructions executable by a computer, the instructions instructing the computer to aggregate and analyze data from a plurality of data generating machines as recited in independent claim 31.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


b. Fraser (Wo9708638) discloses a method for providing promotion messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 6, 2006

  
Romain Jeanty  
Primary Examiner  
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